Design impaged 1/7/20 11:06 am CLERK U.S. BANKRUPTCY COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: CASE NO. 19-10899-TPA

John Benjamin Vivian, and Jodie Lynn Vivian, Debtor(s).

Chapter 13

Related to Doc. 39

John Benjamin Vivian, and Jodie Lynn Vivian, Movant,

VS. Ronda J. Winnecour, Esquire, Chapter 13 Trustee, Respondent(s).

CONSENT ORDER OF COURT

AND NOW, THIS 7th day of January, 2020, upon consideration of the APPLICATION TO APPROVE PERSONAL INJURY AWARD filed at Doc 39 ("Settlement Motion"), and with the consent of the Trustee and the Debtors, it is hereby ORDERED that the Settlement Motion and prospective Exemption Objection(s) are resolved as follows:

- (a) The Settlement Motion is approved in the amount of \$55,000.00.
- The Settlement Proceeds shall be allocated between Debtors as follows: (b) \$40,000 to Debtor Wife (who suffered the greater injuries) and \$15,000 to Debtor Husband. Of the gross award of \$55,000.00, \$12,000.00 shall be payable to Dallas M Hartman, Esquire, in payment of legal fees, and \$20,187.31 shall be paid to Jodie Lynn Vivian as a credit against her 11 U.S.C. § 522(d)(11)(D) exemption.
- Debtors shall amend Schedule C within 30 days of this Order to (c) expressly claim the above exemption and to provide liquidated amounts for all other amounts claimed.

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(d) The balance of the Settlement Proceeds, in the amount of \$22,812.69, is to be held by special counsel pending resolution of all medial liens against the funds. Upon resolution Debtor's shall prepare a proposed distribution and seek approval either by way of consent order or Motion.

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Consented to:

/s/ Owen W. Katz Owen W. Katz US Steel Tower, Suite 3250 600 Grant Street Pittsburgh, PA 15219 (412) 471-5566

Email: okatz@chapter13trusteewdpa.com

Attorney for Chapter 13 Trustee

/s/ Daniel P. Foster
Daniel P. Foster, Esquire
Foster Law Offices
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Attorney for Debtor

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United States Bankruptcy Court
Western District of Pennsylvania

In re:
John Benjamin Vivian
Jodie Lynn Vivian
Debtors

Case No. 19-10899-TPA Chapter 13

CERTIFICATE OF NOTICE

Form ID: pdf900 Total Noticed: 4

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on

Jan 09, 2020.

db #+John Benjamin Vivian, PO Box 677, Conneaut Lake, PA 16316-0677 jdb #+Jodie Lynn Vivian, PO Box 677, Conneaut Lake, PA 16316-0677 sp +Dallas W. Hartman, 201 Green Ridge Drive, New Castle, PA 16105-6139

+Owen W. Katz, U.S. Steel Tower, 600 Grant Street, Suite 3250, Pittsburgh, PA 15219-2719

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 09, 2020 Signature: <u>/s/Joseph Speetjens</u>

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 7, 2020 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Jodie Lynn Vivian dan@mrdebtbuster.com, clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor John Benjamin Vivian dan@mrdebtbuster.com, clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmllawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 5